

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA**

<b>ROBERT S. VARNER,</b>	:	
<b>Plaintiff</b>	:	<b>CIVIL ACTION NO. 3:11-2138</b>
<b>v</b>	:	<b>(JUDGE MANNION)</b>
<b>MHS, Ltd. d/b/a Wear-Flex Slings</b>	:	
<b>Defendant</b>	:	

**ORDER**

In light of the memorandum issued this same day, **IT IS HEREBY ORDERED THAT** defendant's motion for summary judgment, (Doc. [20](#)), is **GRANTED IN PART** and **DENIED IN PART**. Summary judgment is **GRANTED** as to plaintiff's claims for design defect, failure to warn, and breach of the implied warranty of fitness for a particular purpose. Defendant's motion for summary judgment is **DENIED** as to plaintiff's claims for manufacturing defect and breach of the implied warranty of merchantability. A final pretrial conference will be held on **Thursday, April 24, 2014 at 2:30 PM** in Courtroom #3, William J. Nealon Federal Building and United States Courthouse, 235 North Washington Avenue, Scranton, PA. The **jury trial** will begin with jury selection on **Monday, May 19, 2014 at 9:30 AM** in the same location as noted above.

*s/Malachy E. Mannion*  
**MALACHY E. MANNION**  
**United States District Judge**

**Date: March 6, 2014**